

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20587 of 2021

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Amit Kumar Son of Sadanand Tiwari, Resident of Village - Kulharia, P.S. -
Parbatta, District - Khagaria. At present residing at Mohalla - Anand Bazar,
P.S. - Danapur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and
Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department,
Government of Bihar, Patna.
3. The Collector - Cum - District Magistrate, Bhagalpur.
4. The Superintendent of Police, Bhagalpur.
5. The Officer in Charge, Kotwali (Barari) Police Station, District - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar No.1, Advocate

For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-12-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-



For quashing the order dated 18.04.2021 passed in Miscellaneous (Excise) Case No. 151 of 2016 – 17 (Arising out of Kotwali (Barari) Police Station Case No. 680 of 2016 under sections 30 (a) / 38 of the Bihar Prohibition and Excise Act, 2016; passed by the learned Collector-cum-District Magistrate, Bhagalpur, relating to release of the Tavera Vehicle of the petitioner bearing Reg. No. BR-34P-2701, Engine No. 3N171996, Chassis No. MA6ABCK5DDH008954, whereby and whereunder ignoring the final order dated 15.07.2020 of the Hon'ble Patna High Court passed in C.W.J.C. No. 17345 of 2017 by Hon'ble Chief Justice Mr. Sanjay Karol and Hon'ble Mr. Justice Anil Kumar Upadhyay, the present impugned order has been passed by the learned Collector cum District Magistrate, Bhagalpur (Respondent No. 3) in a mechanical manner by overlooking the observation made therein in deciding and passing the final order.

Petitioner has approached this Court without exhausting the statutory remedy of appeal against the impugned order, as such, petitioner is granted liberty to avail the remedy of appeal against the confiscation order passed by the Confiscating Authority- cum- District Magistrate, before the Appellate Authority and if any such appeal is filed within 4 weeks then appellate authority shall condone the delay in filing the appeal and shall decide the appeal on its own merit preferably within 8



weeks from the date of its filing.

During pendency of appeal, the confiscated vehicle shall not be auction sold, if not already auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2021
Transmission Date	

